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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Keiji YAMAMOTO, et al.

SERIAL NO: 10/773,171

GROUP: 3611

FILED: February 9, 2004

EXAMINER: Marc A. SCHARICH

RCE FILED: April 30, 2007

FOR: WORKING MACHINE

LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith are two Japanese Office Actions (submitted English translations only) for the Examiner's consideration. The two Japanese Office Actions and the reference(s) cited therein have been previously filed on July 17, 2007. JP 2001-090112 was filed on February 9, 2004.

Respectfully Submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.


C. Irvin McClelland

Registration No. 21,124

Joseph Scafetta, Jr.

Registration No. 26,803

Robert T. Pous

Registration No. 29,099

Customer Number

22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 03/06)



Notice of Reasons for Rejection

Application Number: Japanese Patent Application No. 2003-073826
Drafting Date: April 6, 2007
Examiner of JPO: Tetsuya MISAWA 9827 3D00
Attorney of Patent Applicant: Mr. Etsuji KOTANI (two others)
Applicable Articles of Law: Article 29 Paragraph 2

The patent application is rejected on the basis of the following reasons. If you have any argument about this, could you please provide us with an argument within sixty (60) days from the sending of this notification.

REASON

The inventions according to the following claims in the patent application are the inventions that prior to the filing of the patent application, a person ordinarily skilled in the art of the invention would have been able to easily make the invention based on the inventions that were described in the following distributed publications or the inventions that were made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filing of the patent application. Therefore, the inventions are not patentable in accordance with Patent Law of Article 29, Paragraph 2.

DESCRIPTON

Claims 1 to 6

Cited Document

1. Japanese Patent Laid-Open No. 2001-090112
- ✓ 2. Japanese Patent Laid-Open No. Hei09-184167 *Filed 7/12/07*
- ✓ 3. Japanese Patent Laid-Open No. Sho63-255123

Note:

Cited document 1 describes the invention wherein a tank mounting portion in which a fuel tank is mounted removably is disposed in a machine body, the tank is set in the tank mounting portion in order to prevent movement of the fuel tank in the vertical direction and movement thereof in the directions other than the removable direction at least among the horizontal directions, and tank dislodgment preventing means for preventing the tank from moving in the removable direction is provided.

Cited document 2 describes the invention partly provided with engaging portions (a cutout portion 48 and an expanded portion 19A) inserted in one horizontal direction and adapted to come into engagement with each other in an engaged state when said fuel tank is set in said tank mounting portion (for example, refer to [0028] to [0029] and Fig. 1).

Cited document 2 also describes the invention wherein a fixing member 46 has a flat plate 46A, a downward looking portion 46B formed by bending one side of the flat plate 46A downwardly, and a holding plate 46C formed by adhering a plate to a lower surface, a position of a fuel tank 19 in the rear direction is limited and a position of the rear part in the upper direction is limited by bringing the holding plate 46C into abutment with a back surface of a rear upper part of the fuel tank 19 in a state where the flat plate 46A is brought into abutment with an upper surface of the rear upper part of the fuel tank 19 (the opposite side to where the expanded portion 19A is formed) (for example, refer to [0030] and Fig. 1).

Cited document 3 describes the invention in which fixing means (F) of a fuel tank (15) is configured by which a holding member (22) having a L-shaped section and extending in the lateral direction is abutted to a front end edge of an upper part surface (15d) which is an opposite part to a bottom plate (15c) of the fuel tank (15), a tightening rods (23) and (24) are inserted through left and right protruding portions respectively of the holding

member (22), hook portions (25) and (26) at front ends of the tightening rods (23) and (24) are respectively engaged with an engagement hole (27) formed on a machine body inside surface (16a) of a battery case (16) and an engagement hole (29) of an engagement member (28) having a substantially "U" shape (note: "U" is Japanese character, the shape of an engagement member (28) is like "U".) welded and fixed to a left side fixing portion of a receiving base (17), the fuel tank (15) can be tightened by a nut (30) from the outside of the holding member (22).

It should be noted that when the claims are amended, amended descriptions should be underlined (Regulations under the Patent Law, Form 13, Remark 6).

In an argument, the reason why the amendment is lawful for each amended item should be claimed with clearly indicating the description in the original specification at the time of filing as a ground.

(If possible, the constituent elements in the claims are to be given reference numerals. (If it is not possible to directly give the reference numerals to the elements in the claims, claims with the reference numerals should be described in an argument.))

Record for Result of Prior Art Search

- Search Class: B60K 15/00
E02F 9/00
- Prior Art Documents: Non

The record for result of prior art search is not a reason for rejection.

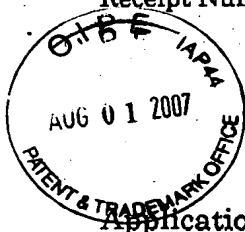
If you have any inquiry on the content of this notice, or wish to have interview, do not hesitate to contact me:

Receipt Number=K04157, Date of Sending=2007/04/17

Tetsuya MISAWA, Transportation Section, Second Patent Examination
Department

Tel: 03 (3581) 1101, Ex. 3341

Fax: 03 (3580) 6904



Notice of Reasons for Rejection

Application Number: Japanese Patent Application No. 2003-073828
Drafting Date: April 6, 2007
Examiner of JPO: Tetsuya MISAWA 9827 3D00
Attorney of Patent Applicant: Mr. Etsuji KOTANI (two others)
Applicable Articles of Law: Article 29 Paragraph 2

The patent application is rejected on the basis of the following reasons. If you have any argument about this, could you please provide us with an argument within sixty (60) days from the sending of this notification.

REASON

The inventions according to the following claims in the patent application are the inventions that prior to the filing of the patent application, a person ordinarily skilled in the art of the invention would have been able to easily make the invention based on the inventions that were described in the following distributed publications or the inventions that were made publicly available through an electric telecommunication line in Japan or a foreign country, prior to the filing of the patent application. Therefore, the inventions are not patentable in accordance with Patent Law of Article 29, Paragraph 2.

DESCRIPTION

Claims 1 to 4

Cited Document

1. Japanese Patent Laid-Open No. 2001-090112- *not 9/10/06*
2. Japanese Patent Laid-Open No. Hei09-076774- *7/17/09*
3. Japanese Patent Laid-Open No. Sho61-139573-

Note:

Cited document 1 describes a working machine wherein a machine body comprises a lower traveling body and an upper rotating body rotatably mounted on the lower traveling body, a working device having a boom, an arm and a bucket is attached to the upper rotating body, a main body frame constituting the machine body is disposed of a bottom plate and a longitudinal wall disposed on the bottom plate, and a fuel tank is mounted on the bottom plate so as to contact the longitudinal wall.

Cited document 2 describes the invention wherein a hollow projecting portion which gets over the longitudinal wall and projects sideways at an upper end portion of the fuel tank (for example, refer to {0014} to {0015} and Fig. 4). Cited document 3 also describes a similar invention.

Cited document 2 also describes the invention wherein a rear suspension frame is declining rearwards (for example, refer to Fig. 2).

It should be noted that when the claims are amended, amended descriptions should be underlined (Regulations under the Patent Law, Form 13, Remark 6).

In an argument, the reason why the amendment is lawful for each amended description should be claimed with clearly indicating the description in the original specification at the time of filing as a ground.

(If possible, the constituent elements in the claims are to be given reference numerals. (If it is not possible to directly give the reference numerals to the elements in the claims, claims with the reference numerals should be described in an argument.))

<Claim with no Ground for Rejection>

There is currently no ground for rejection in the invention according to claim (5). When a reason for rejection is newly found, the reason for

rejection will be notified.

Record for Result of Prior Art Search

- Search Class: B60K 15/00
E02F 9/00
- Prior Art Documents: Non

The record for result of prior art search is not a reason for rejection.

If you have any inquiry on the content of this notice, or wish to have interview, do not hesitate to contact me:

Tetsuya MISAWA, Transportation Section, Second Patent Examination
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Tel: 03 (3581) 1101, Ex. 3341

Fax: 03 (3580) 6904